

1 BARRY J. PORTMAN
2 Federal Public Defender
3 ELIZABETH M. FALK
4 Assistant Federal Public Defender
5 450 Golden Gate Avenue
6 San Francisco, CA 94102
7 Telephone: (415) 436-7700

8
9 Counsel for Defendant DERA JONES

10
11 IN THE UNITED STATES DISTRICT COURT
12
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14
15
16
17 UNITED STATES OF AMERICA,) No. CR 05-254 CRB
18 Plaintiff,)
19 v.) STIPULATION AND
20) [PROPOSED] ORDER
21) CONTINUING MOTION TO
22) DISMISS HEARING
23)
24 DERA JONES,) Hearing Date: Monday, June
25) 29, 2005 at 2:15 p.m.
26)
27 Defendant.) The Honorable Charles R.
28) Breyer

29
30 The undersigned parties stipulate as follows:

31
32
33
34
35
36
37
38 1. A motion to suppress hearing is currently set before this Court on June 29, 2005 at
39 2:15 PM;
40
41
42 2. Counsel for Ms. Jones requests more time to file the opening motion due to the
43 fact that she is out of town this week;
44
45
46 3. As such, counsel for Ms. Jones requests that this Court continue the motion to
47 dismiss hearing for one week, to Wednesday, July 6 2005 at 2:15 PM.
48
49
50 4. Counsel for the government, Robert Rees, has no objection to moving the motion
51 to dismiss hearing one week to Wednesday, July 6 at 2:15 PM.

1
2 5. The parties further stipulate that the briefing schedule should be altered as follows;

3 Opening Motion Due: June 8, 2005

4 Gov. Response Due: June 22, 2005

5 Reply Due: June 29, 2005

6 6. The parties jointly request an exclusion of time on the basis of effective
7 preparation of counsel. Defense counsel hereby stipulates that her client is out of
8 custody; that she needs more time to effectively prepare this motion; that an
9 exclusion of time is in her client's best interest, and that the ends of justice served
10 by excluding the additional two week period between June 1, 2005 and June 8,
11 2005 outweigh her client's interest in a speedy trial.

12 7. Counsel for Ms. Jones hereby certifies that she has discussed said continuance
13 with Robert Rees, AUSA, and that he is in accord with the representations in this
14 stipulation.

15
16 IT IS SO STIPULATED.

17
18 DATED: May 30, 2005

/s/ _____

19 ELIZABETH M. FALK
20 Assistant Federal Public Defender

21 DATED: May 30, 2005

/s/ _____

22 ROBERT REES
23 Assistant United States Attorney

24 **[PROPOSED] ORDER**

25 GOOD CAUSE APPEARING, it is hereby ORDERED that the Motion to Dismiss
26 hearing in the aforementioned case is hereby continued from June 29, 2005 to July 6,
27 2005 at 2:15 PM before this honorable Court. The briefing schedule for said motion is
28 hereby altered as stated by counsel in this stipulation.. Based on the aforementioned
representations of defense counsel, this Court further finds that counsel for the defendant

1 needs additional time to effectively prepare a defense for her client, and that defense
2 counsel believes that an exclusion of time is in her client's best interest. Given these
3 circumstances, this Court finds that the ends of justice served by excluding the period
4 between June 1, 2005 and June 8, 2005 outweigh the best interest of the public and the
5 defendant in a speedy trial. An exclusion of time is thus appropriate under the Speedy
6 Trial Act between June 1 and June 8, 2005 to enable counsel to effectively prepare for the
7 motion, 18 U.S.C. § 3161(h)(8)(A) & 18 U.S.C. § 3161(B)(iv).

8
9 DATED: May 31, 2005

10 THE HONORABLE CHARL
11 UNITED STATES DISTRICT
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

